



*State of New Jersey*

**DEPARTMENT OF HEALTH AND SENIOR SERVICES**

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.nj.gov/health](http://www.nj.gov/health)

JON S. CORZINE  
*Governor*

FRED M. JACOBS, M.D., J.D.  
*Commissioner*

February 16, 2006

Mr. Michael Semple  
Raritan Bay Medical Center Medical Transport  
412 Smith Street  
Keasby, NJ 08860

Re: **Notice of Proposed Assessment of Penalties:**  
**Basic Life Support Ambulance Service Provider**  
Investigation Control #05-B-079

Dear Mr. Semple:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services.

Furthermore, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services (the Department) adopted regulations that govern the licensure and inspection of ambulance service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On July 14, 2004, the Office of Emergency Medical Services (OEMS) received notification from the administrative staff of the Roosevelt Care Center (RCC) regarding a patient injury while in the care of Respond Ambulance (RA) Emergency Medical Technician-Basics (EMT-B's). On the evening of July 12, 2004 the crew of RA was

returning resident Eleanor Wodash back to RCC. Due to previously parked commercial vehicles at the front entrance to the RCC, the driver (hereafter EMT Batista) had parked on an incline beyond the shelter of the overhang on a reported rainy and windy evening. While removing Ms. Wodash from the ambulance the EMT-B at the head end of the stretcher (hereafter EMT Antonini) had let go of her grasp of the stretcher to close the doors for "a few seconds". To the surprise of EMT Batista, EMT Antonini let go of the stretcher, it quickly began to roll out of control. In EMT Batista's attempt to "catch it," the stretcher struck EMT Batista's foot, causing it to tip over. Ms. Wodash struck the pavement while still being restrained in the stretcher. Ms. Wodash sustained multiple fractures to parts of her left arm, a fracture to her left rib and an injury to her left upper leg.

This incident occurred on July 12, 2004 and was reported to OEMS on July 14, 2004 by the administrative staff of RCC. There was no verbal notification from RA of a reportable event. The first written notification OEMS received from RA was on July 29, 2004.

As you should know: with N.J.A.C. 8:40-4.2(a) States "Each crewmember shall have knowledge of and/or skills in the following"

1. Application, operation, care and removal of the on-board medical equipment, as well as knowledge of potential in transport complications which may arise from the utilization of the equipment and the treatment of these complications.

N.J.A.C. 8:40-6.4(a) States "the collective duties of the crewmembers staffing a BLS ambulance shall include, but are not limited to":

3. Providing the patient with prompt, effective and appropriate medical care.
5. Loading and unloading the patient from the vehicle.
10. States in relevant part; Supervising the well being of the patient.

N.J.A.C. 8:40-3.7(a) States "Providers shall notify the Department by telephone, followed by written confirmation on the form provided at Appendix C"

1. Any death or injury that occurred to a patient, passenger or crewmember while being treated, transported or riding in the provider's vehicle.

N.J.A.C. 8:40-3.7(b) States "the initial telephone report shall be made to OEMS during regular business hours before the end of the next business day following the incident."

N.J.A.C. 8:40-3.7(c) States "the written confirmation shall be in the form as set forth in chapter Appendix C, Reportable Events, incorporated herein by reference, and shall include all information known to the provider or crewmembers, including the condition of, and prognosis for, any injured persons, as well as copies of any official reports (such as a police report) and the provider's estimate of the degree of disruption

of services, as applicable". This confirmation shall be delivered to OEMS no later than 14 calendar days after the incident.

Pursuant to N.J.S.A. 26:2H-14, the Department may impose a penalty of not more than \$5,000 per day for each day that a licensee is in violation of any regulation which pertains to the care of patients or health care facility standards. Therefore in accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-7.2(e) which states in relevant part; The Department may impose monetary penalties for violation of any of the rules contained in this chapter, including:

1. Actions that are the cause or proximate cause of injury to a patient, passenger, crewmember or other person (including, but not limited to, a pedestrian, police officer or other on-scene EMS personnel) shall result in a monetary penalty of \$2,500 for each injured person.
8. States in relevant part; Violations of any notification requirements shall result in a monetary penalty of \$250.00 per violation/per calendar day.

You are hereby assessed a penalty of \$2,500 for violation of 8:40-7.2(e)1 and a penalty of \$250 for violation of 8:40-7.2(e)8.

A certified check or money order in the amount of \$2,750 made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in the delinquent account being referred to the Office of the Attorney General for collection (N.J.S.A. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360  
Trenton, NJ 08625-0360  
Attn: Ms. Karen Halupke

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the deficiency noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, N.J. 08625-0360  
Attn: Ms. Michele Stark

Please include control number 05-B-079 on all of your correspondence. Finally, please note that failure to submit a request for a hearing within 30 days from the date of this Notice shall render this Notice final, and the entire \$2,750 shall be immediately due and payable.

If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart of my office at (609) 633-7777.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Halupke", written in a cursive style.

Karen Halupke RN, M.Ed.  
Director  
Emergency Medical Services

C: David Gruber, Assistant Commissioner  
Michele Stark, OLRA  
Samuel Stewart, Esq., OEMS  
Charles McSweeney, OEMS  
Donald Roberts, OEMS

SENT VIA REGULAR US MAIL AND  
CERTIFIED MAIL #70031010000531283231  
RETURN RECEIPT REQUESTED